

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:13-CT-3139-FL

CASEY RAFAEL TYLER,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
KENNETH LASSITER and VAN)	
MCCULLOUGH,)	
)	
Defendants.)	

The matter is before the court on plaintiff's motion for summary judgment (DE 51) and motion to compel discovery (DE 60). Defendants did not respond to plaintiff's motions. In this posture, the issues raised are ripe for determination.

The court begins with plaintiff's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(c). Plaintiff filed his motion for summary judgment prior to the January 12, 2015, discovery deadline set forth in this court's September 4, 2014, Case Management Order. Given the fact that the parties did not have adequate time to engage in discovery, prior to the date plaintiff filed his motion for summary judgment, plaintiff's motion is DENIED as premature. See Evans v. Techs. Applications & Serv. Co., 80 F.3d 954, 961 (4th Cir. 1996) (quotation omitted) ("As a general rule, summary judgment is appropriate only after adequate time for discovery."). Plaintiff may re-file his dispositive motion after the close of discovery in this case.

The court now turns to plaintiff's motion to compel discovery. Subsequent to the filing of his motion to compel, plaintiff communicated to the court that defendants' responded to his discovery requests. See (DE 61). Thus, plaintiff's motion to compel is DENIED as MOOT.

In summary, plaintiff's motion for summary judgment (DE 51) is DENIED as PREMATURE and his motion to compel (DE 60) is DENIED as MOOT.

SO ORDERED, this the 7th day of November, 2014.



LOUISE W. FLANAGAN
United States District Judge